

Remarks

Claims 1-24 are pending. Claims 5, 7, 13, 14 and 17-24 are withdrawn from consideration. Claims 1-4, 6, 8-12, 15 and 16 are rejected.

Information Disclosure Statement

Applicants filed an Information Disclosure Statement (IDS) on July 30, 2003. Per the Examiner's request, Applicants resubmitted this IDS on March 19, 2007. Applicants again respectfully request the Examiner to sign off each reference in the IDS and return the same to the Applicants.

Rejections under 35 U.S.C. § 103

Claims 1-4, 6, 8-12, 15 and 16 are rejected under 35 U.S.C. § 103(a) as being obvious over EP 0 970 711 A2 by Ethicon ("Ethicon").

Claim 1 defines a coating for an implantable medical device comprising a first region having a drug and a second region on the top of the first region. **The second region includes (1) a polymer and (2) a substance having the melting temperature within the range between about 32 °C and 40°C.** When the body temperature of a patient in which the device is implanted rises to a temperature above the patient's normal body temperature, the morphology of the coating changes so as to change the release rate of the drug in the coating.

Ethicon describes a process of forming a coating on a stent. The coating can include a non-acrylic polymer such as vinyl halides, polystyrenes or polyoxymethylenes. However, Ethicon does not describe or provide any teaching for forming a coating that includes (1) a polymer AND (2) a substance as defined in claim 1, which has a drug release profile that is sensitive and responsive to the body condition of a patient in which a device is implanted as defined by claims 1 or 9. Ethicon does not provide any teachings or suggestions for a person of

ordinary skill in the art to make or use a coating as defined in claims 1 or 9. Claims 1 and 9 are therefore nonobvious and patentably allowable over Ethicon under 35 U.S.C. 103(a). Claims 2-4, 6 and 8, which depend from claim 1, and claims 10-12, 15, and 16, which depend from claim 9, are patentably allowable over Ethicon under 35 U.S.C. 103(a) for at least the same reason.

The undersigned authorizes the examiner to charge any fees that may be required or credit of any overpayment to be made to Deposit Account No. **07-1850**.

CONCLUSION

Withdrawal of the rejection and allowance of the claims are respectfully requested. **If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the undersigned attorney for approval of an Examiner's amendment.** If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

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